



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, MAY 20, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, May 20, 2010, in the Commission Chambers at City Hall. Chairman Jo Ann Heim called the meeting to order at 3:30 p.m. The following Commission members were present:

Jo Ann Heim  
Wylie Hamilton  
Agnes Berry  
Charles Townsend  
Clell Coleman

City staff that was present included Bill Wiley, Director; Mike Miller, Planner; Amelia Serrano, Administrative Assistant II, Yvette Brandt, Senior Planner, and Mark Brionez, Attorney, sitting in for Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Jo Ann Heim and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amelia Serrano swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MARCH 18, 2010.**

**Commissioner Wylie Hamilton moved to APPROVE the minutes as presented. Commissioner Charles Townsend SECONDED the motion which, PASSED by a unanimous voice vote of 5 to 0.**

**NEW BUSINESS:**

- PUBLIC HEARING CASE # 016-1-052010 – BIG BOYS TOYS – REZONING**  
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING OF APPROXIMATELY 2 +/- ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A CONSIGNMENT STORE THAT SPECIALIZES IN SPORTING GOODS, ATVS, TRACTORS AND RECREATIONAL VEHICLES FOR A PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MAIN STREET WEST OF LONE OAK DRIVE ADJACENT TO SEMINOLE DRIVE - **(CITY COMMISSION DATES - 1<sup>st</sup>**

## READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING ON JULY 12, 2010

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, site photos, and conceptual site plan.

No substantive comments received from the departments and two public comments were received for approval and noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The proposed zoning district of SPUD is compatible with adjacent properties and does not appear to be detrimental.
- The proposed zoning district is compatible with the current City Future Land Use of General Commercial.
- The request is consistent with the City's Growth Management Plan.
- Action requested is to approve the request and forward to the City Commission for consideration.

Bill Wiley stated the Planned Development Conditions as follows:

- The site is approximately 2 acres.
- The allowed uses are those permitted in the SPUD district to include retail sales/consignment store uses with accessory sales of sporting goods, hunting and farm equipment, and limited recreational vehicle sales.
- The prohibited uses are those not permitted by SPUD, to include vehicle service and repairs, vehicle sales as a primary use, convenience store with or without gas pumps, recreation uses – indoor and outdoor, crematories and funeral parlors.
- Access to this property is currently W. Main Street with an accessory limited access on Westside Drive.
- All operations shall will carried out entirely within the enclosed structure, except as permitted under the accessory uses of Section 25-284, City of Leesburg Code of Ordinances, as amended.
- The display areas for merchandise for sale may include outdoor areas that do not encroach in to the required setback areas.
- Outdoor storage areas shall be completely screened from adjacent properties and streets.

Charles Townsend asked Bill Mahan if he intended to enclose the current structure.

Bill Mahan responded that he did not know due to the plans still currently being in progress, but reassured him that the property would be taken care of and would not be an eye sore like it was.

**Commissioner Clell Coleman made a motion to APPROVE case # 016-1-052010 – BIG BOYS TOYS – 2316 W. MAIN STREET – REZONING. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

2. **PUBLIC HEARING CASE # 017-3-052010 - WOLFY'S RESTAURANT - VARIANCE**

A REQUEST OF THE PLANNING COMMISSION TO GRANT A VARIANCE TO SEC. 25-280 DISTRICT DEVELOPMENT STANDARDS, TABLE 4-3 DISTRICT DEVELOPMENT STANDARDS FOR NONRESIDENTIAL DISTRICTS TO ALLOW A REDUCTION IN FRONT SETBACK FROM THE REQUIRED 20' TO 10' IN A C-2 (COMMUNITY COMMERCIAL) ZONING DISTRICT FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 14<sup>TH</sup> STREET (U.S. HIGHWAY 27), ONE BLOCK NORTH OF CITIZENS BOULEVARD - **(CITY COMMISSION DATES - 1<sup>ST</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING ON JULY 12, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, site photos, and conceptual site plan.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, site photos and conceptual site plan.

No substantive comments were received from the departments, three public responses for approval were received, and no public responses for disapproval were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The request does meet the requirements of the City of Leesburg Code of Ordinances for a variance.
- The request for the variance is related to the existing building which was destroyed by a fire and the existing setback that was confirming to the code prior to the widening of US Hwy 27.
- The fire was not caused by any action of the owner and the owner desires to rebuild the restaurant on the current foot print of the building. Special conditions and circumstances do exist which are peculiar to this building.
- Permitting a variance at this building to allow the applicant to rebuild on the existing foot print would not confer on the applicant a special privilege. Other properties within the same zoning district with similar situations could apply for a variance for relief.
- Such a hardship has been adequately demonstrated by the applicant.
- The applicant has not demonstrated that a variance from existing code requirements is needed to make possible the reasonable use of the structure.
- The granting of the requested variance would appear to be in harmony with the general intent and purpose of the Zoning Ordinance, and would not set a negative precedent in relation to similar properties which are required to meet the same City of Leesburg Code of Ordinance requirements.
- Non-self created catastrophes such as a fire can create justification for a variance from City of Leesburg code requirements.
- Staff recommends approval of the proposed variance as per the attached site plan.

John Wolf stated his name for the record and answered questions from the commission.

Charles Townsend asked if there were going to be any structural changes or parking regulations.

John Wolf told him that the plans were to keep the same layout and parking arrangements.

Bill Wiley made a comment about a concern with exiting the parking lot and questioned the possibility of a right turn only being implemented there.

John Wolf thanked the City and the citizens for the favorable disposition he received. He stated he has a desire to reestablish Wolfy's somewhere in Leesburg

Charles Townsend commended him on rebuilding, stating he knows the feeling of having to rebuild after a fire

Bill Wiley briefly spoke about county and city impact fees and how it should be easier for businesses and restaurants to open.

**Commissioner Charles Townsend made a motion to APPROVE case # 017-3-052010 – WOLFY'S RESTAURANT – 918 NORTH 14<sup>TH</sup> STREET - VARIANCE. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**3. PUBLIC HEARING CASE # 018-0-052010 - MUSSO-SPENCE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 20 ACRES AND GENERALLY LOCATED SOUTH OF PARK HOLLAND ROAD, EAST OF PICCIOLA ROAD, LYING IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN TO CITY LOW DENSITY RESIDENTIAL AND CITY CONSERVATION (CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)

Bill Wiley entered the additional exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, and site photo.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and three public approval responses were noted in the packet.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban to City Low Density Residential and Conservation.

**Commissioner Wylie Hamilton made a motion to APPROVE case # 018-0-052010 – MUSSO-SPENCE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

4. **PUBLIC HEARING CASE # 019-0-052010 - WOODRELL – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 24 ACRES AND GENERALLY LOCATED SOUTH OF PARK HOLLAND ROAD, EAST OF PICCIOLA ROAD, LYING IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN TO CITY LOW DENSITY RESIDENTIAL AND CITY CONSERVATION - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there was one public response for approval noted in the packet.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban to City Low Density Residential and Conservation.

**Commissioner Clell Coleman made a motion to APPROVE case # 019-0-052010 - WOODRELL – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

5. **PUBLIC HEARING CASE # 020-0-052010 - DEEMS – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 16 ACRES AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF OLD TAVARES AND SLEEPY HOLLOW ROADS, LYING IN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN TO CITY ESTATE RESIDENTIAL - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land

use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were two public responses for disapproval noted in the packet. Two homeowners were present and opted to speak. One homeowner, Ms. McConnell, was not present at the beginning of the meeting and was sworn by Amelia Serrano. The reasons they gave for disapproving this case were that of general homeowner concerns. They wanted to know how their homes would be affected in the long run, common construction worries, and the possibility of major environmental changes.

Bill Wiley responded that in the end the units per acre of 3 would be better under the City's classification rather than the County's which are 7 units per acre. The construction concerns were understandable and that preventative measures would be put into place to prevent as much disruption of other properties as possible. In regards to the environmental changes he told the citizens just to be aware of any changes that start taking place and to contact the City when things start to happen.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban to City Estate Residential.

**Commissioner Charles Townsend made a motion to APPROVE case # 020-0-052010 – DEEMS – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**6. PUBLIC HEARING CASE # 021-0-052010 - TEETER – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 23 ACRES AND GENERALLY LOCATED NORTH OF SR 44, WEST OF CR 468, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN AND COUNTY URBAN EXPANSION TO CITY INDUSTRIAL AND CITY CONSERVATION - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were three public responses for approval noted in the packet.

Charles Townsend questioned whether the voting was for future land use or if there was interest being shown in the property.

Clell Coleman confirmed it was solely for future land use.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban and Urban Expansion to City Industrial and Conservation.

**Commissioner Wylie Hamilton made a motion to APPROVE case # 021-0-052010 - TEETER – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**7. PUBLIC HEARING CASE # 022-0-052010 - LAFAYETTE SQUARE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 94 ACRES AND GENERALLY LOCATED SOUTH OF EL RANCHO DRIVE AND CABALLO ROAD, LYING IN SECTION 33, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN TO CITY ESTATE RESIDENTIAL AND CITY CONSERVATION - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were three public responses for approval noted in the packet.

Mr. Dennis Wells, attorney for the property owner DeBrock Properties LLC, was present and spoke with the Commissioners in regards to this case. He didn't understand why this case was being presented to the Planning Commission.

Bill Wiley explained to him this was one of many older cases that had been held up at the state level and they were just clearing old cases.

After this was explained to Mr. Wells, he voiced his disapproval and concern about the property being owned by the City versus the County. When this case was previously brought before the Commission the land was approved for one unit per acre and under the County it would be seven units per acre.

Bill Wiley explained the reasoning behind the one unit per acre was due to the contractors that were interested in the land.

Charles Townsend asked Bill Wiley to confirm the current zoning being one unit per acre, but it is being proposed to have four units per acre.

Before Bill Wiley confirmed this, Clell Coleman also wanted to confirm that just because the classification says four units, zoning can still change it to less than that.

Bill Wiley confirmed that both of these were correct. He also added that although the County's units per acre are higher, due to the County not having electricity out in that area it would be very difficult to build on the land.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban to City Estate Residential and Conservation.

**Commissioner Wylie Hamilton made a motion to APPROVE case # 022-0-052010 – LAFAYETTE SQUARE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**8. PUBLIC HEARING CASE # 024-0-052010 - HAWTHORNE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 68 ACRES AND GENERALLY LOCATED NORTH OF CR 48 AND EAST OF US HWY 27, LYING IN SECTIONS 13 AND 14, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY URBAN TO CITY GENERAL COMMERCIAL AND CITY CONSERVATION - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments. There were 12 public responses for approval and 10 public responses for disapproval noted in the packet.

Greg Beliveau, the consultant between the City and Hawthorne, was present and explained the present buffer zone and the future buffer zone. He also explained the current and future set up of Hawthorne.

Bill Wiley stated the staff recommendation is for approval to change the classification from County Urban to City General Commercial and Conservation.

**Commissioner Clell Coleman made a motion to APPROVE case # 024-0-052010 – HAWTHORNE – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**9. PUBLIC HEARING CASE # 025-0-052010 - PEAR PARK – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF



LEESBURG, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF A CERTAIN PROPERTY CONTAINING APPROXIMATELY 50 ACRES AND GENERALLY LOCATED NORTH OF UNIVERSITY AVENUE AND WEST OF US HWY 27, LYING IN SECTION 24, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM CITY HIGH DENSITY RESIDENTIAL AND CITY GENERAL COMMERCIAL TO CITY INSTITUTIONAL AND CITY CONSERVATION - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON JUNE 28, 2010 AND A 2<sup>ND</sup> READING TBD PER DCA RESPONSE)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Mike Miller presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, and site photos.

No substantive comments received from the departments and there were three public responses for approval noted in the packet.

Bill Wiley stated the staff recommendation is for approval to change the classification from High Density Residential and General Commercial to Institutional and Conservation.

**Commissioner Charles Townsend made a motion to APPROVE case # 025-0-052010 – Pear Park - LARGE SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 5 to 0.**

**Discussion:**

None

The meeting adjourned at 5:01 p.m.

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Roland Stults III, Chairperson

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Jo Ann Heim, Vice Chairperson

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Amelia Serrano, Administrative Assistant II